IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 14640 of 2005(P)

PETITIONERS:
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1. **BABU VIJAYANADHAN V.N.**
   VADASSERIL HOUSE, PUNNAPRA P.O.

2. **SANTHOSH A.Y. ARAYANCHIRA, THAKAZHI,**
   KUTTANADU.

3. **NASAR.K.E. KIZHAKKE KOTHADU,**
   AROOKUTTY.

4. **SAJI.S. NARIYARATHU KANDATHIL,**
   MUTHUKULAM NORTH.

5. **SUNNY.N.V. NIKARTHIL VEEDU,**
   KOMALAPURAM KIZHAKKU, AVALOOKUNNU P.O.
   ALAPPUZHA.

BY ADV. SRI.P.SREEKUMAR

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE SECRETARY,**
   SOCIAL WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR,**
   ALAPPUZHA DISTRICT.

3. **THE SECRETARY, PERSONNEL AND**
   ADMINISTRATIVE DEPARTMENT,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SHRI.P.NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, ALONG WITH WPC NO. 31926 OF 2005 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONERS' EXHIBITS:-

P1: Copies of the certificates issued by the petitioners.

P2: Copies of the discharge certificates issued to the petitioners.

P3: Copy of the G.O.(P).No.32/98/P&ARD dtd.28/9/98.

P4: Copy of the G.O.(P) No.10/99/P&ARD dtd.17/5/99.

P5: Copy of the G.O.(P) No.18/99/P&ARD dtd.13/10/99.

P6: Copy of the G.O.(P) No.33/2005/SWD dtd.5/3/05.

P7: Copy of the minutes of the meeting held on 24-8-05.

P8: Copy of the News report published in Mathrubhumi daily dtd.8-2-06.

P9: Copy of the Government order G.O.(Ms).No.101/2005/SWD dtd.19-7-2005.

P10. Copy of the Report dtd.28-7-2004.

P11: Copy of the Letter dtd.28-3-2006 issued by Sri.P.C.George, MLA.

P12: Copy of the affidavit sworn by Sri.Abdul Samad a participant in the meeting held on 24-8-2004.

RESPONDENTS' EXHIBITS:-

1st Respondent's Exhibits:

R1(a): Copy of letter No.E-11(I) 28786/01, dtd.8-2-2006.

R1(b): Copy of G.O.(P) No.147/84/GAD dtd.11-5-1984.

R1(c): Copy of G.O.(P) No.6/95/P&ARD dtd.30-2-1995.

R1(d) & (e): Copy of the G.O.(P) No.32/98/P&ARD dtd.28-9-98 & G.O.(P) No.10/99/P&ARD dtd.17-5-1999.

2nd Respondent's Exhibits:

R2(1): Copy of the Government letter.

-// true copy //-

P.A. To Judge.

kvs/-

K.K.DENESAN, J.

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WP(C).NOs.14640, 30267, 31926,
34254 & 35539 of 2005
&
WP(C).NOs.21691 & 25370 of 2006.

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Dated this the 27th day of February, 2007.

J U D G M E N T

The petitioners, admittedly, are physically challenged persons. They were appointed as per Rule 9(a)(i) of K.S. & S.S.R. for a period of 179 days. Their date of commencement of service falls between 15-8-1998 and 15-8-1999. To complete the full period of 179 days, they had to work beyond 15-8-1999. However, they are entitled to the benefit of G.O.(P) No.33/2005/SWD, dated 5-3-2005 as construed by the Division Bench in the judgment in WA.No.1601 of 2006. The ratio of the above decision squarely applies to the facts of these cases. It is so declared.

2. Those continuing either on the basis of the orders of this Court or otherwise, shall be allowed to continue and their services regularised by passing appropriate orders. In the case of petitioners whose services have been terminated, the Government shall take

immediate steps to reinstate them in service and regularise their services. This shall be done within two months from the date of receipt of a copy of this judgment.

The writ petitions are allowed as above.

K.K.DENESAN, JUDGE.

kvs/-